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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Donald S. Karanewsky et al.
Application No. : 09/765,105
Filed : January 16, 2001
For : C-TERMINAL MODIFIED OXAMYL DIPEPTIDES AS
INHIBITORS OF THE ICE/ced-3 FAMILY OF CYSTEINE
PROTEASES

SEP 30 2002

TECH CENTER 1600/2900

Examiner : David Lukton
Art Unit : 1653
Docket No. : 480140.442C1
Date : September 24, 2002

Commissioner for Patents
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

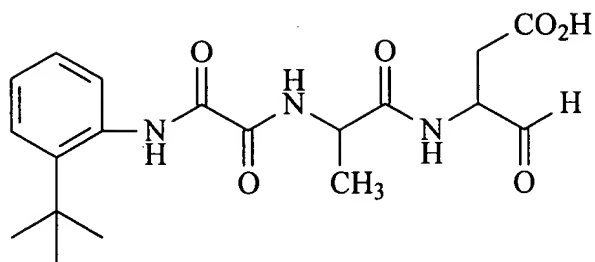
Commissioner for Patents:

In response to the Office Action mailed August 27, 2002, reconsideration of the above-identified application in view of the following remarks is respectfully requested.

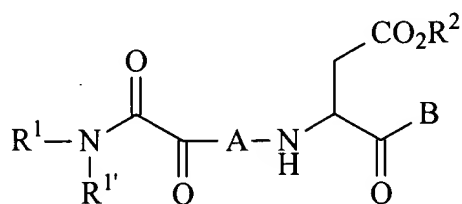
Claims 1-23 are pending in this application.

Pursuant to 35 U.S.C. 121, the Examiner has entered a two-way restriction requirement; namely, compound and composition claims 1-14 (Group I) and method claims 15-23 (Group II). Applicants hereby elect the compound and composition claims of Group I. This election is made with traverse since the Examiner has indicated that, should the Group I claims be elected and found allowable, the corresponding method of use claims would be rejoined for further prosecution.

In addition to the above election, the Examiner has also requested that Applicants elected a single disclosed species for purpose of initial examination. To that end, Applicants hereby elect the compound of Example No. 223, as represented below:



Within the genus of claim 1, this compound has the following substituents:



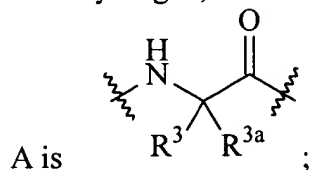
Formula I

wherein

R^1 is 2-*tert*-butyl-phenyl;

$R^{1'}$ is hydrogen;

R^2 is hydrogen;



R^3 is methyl;

R^{3a} is hydrogen; and

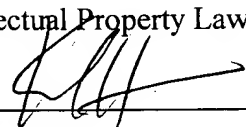
B is hydrogen.

Claim 1 is generic to the elected species, while claims 2-6, 10 and 11 read thereon.

Lastly, Applicants wish to point out that this application is a continuation-in-part of U.S. Application Nos. 09/177,549 and 09/745,204. The 09/177,549 application issued as U.S. Patent No. 6,107,750 on March 6, 2001. The 09/745,204 application currently stands allowed.

In view of the above remarks, consideration and allowance of the pending claims is respectfully requested.

Respectfully submitted,
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